

# The right to food and nutrition information in restaurants: a review

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## Abstract

The provision of nutrition information is one of the issues recommended by the National Food and Nutrition Policy (PNAN) and Global Strategy on Diet, Physical Activity and Health from the World Health Organization (WHO), and is already mandatory for packaged food in Brazil and other countries. However, the provision of nutrition information in restaurants is neither mandatory nor a common practice, making it harder for consumers to make food choices according to their needs and habits when eating away from home. This paper presents a review of the consumer's right to food and nutrition information in restaurants, considering different approaches found in literature. The databases SciELO, Medline, Scopus and Portal Capes were consulted, as well as sites of national and international governmental institutions and technical books. It was concluded that providing this information allow people to enjoy the right to safer and healthier choices. At the same time it meets the requirements of the law and promotes increased investments by the food industry and restaurants in improving the nutritional quality of foods and information offered.

**Key words:** Food and Nutrition Information. Nutrition Labeling. Legislation. Food Choices, Restaurant.

## Introduction

The food and nutrition information disclosed in labels is one of the ways that consumers can learn about the composition of the foods that they are purchasing. So labeling can help consumers select healthier and safer foods, taking into account the individuals nutritional needs and eating habits.

The nutrition information is required by the National Food and Nutrition Policy (PNAN) and the Global Strategy on Diet, Physical Activity and Health of the World Health Organization (WHO) as one of the options to provide the population with accurate, standardized and intelligible information on foods (WHO, 2004a).

It is known that nutrition information labeling on packaged foods is quite recent in the world, including Brazil (WHO, 2004b). But according to the Brazilian legislation, nutrition information labeling is mandatory only for industrialized foods, excluding all others – for example, those offered in restaurants – which are neither required to inform their nutrition composition nor their ingredients (BRASIL, 2003<sup>a</sup>). In this context, we present a literature review about the right to be informed on dietary and nutrition information of the foods offered in restaurants, based on the approaches relating to the foods labeling legislation, collective and individual health, as well the cultural issue.

The survey was conducted in the databases of *SciELO*, *Medline*, *Scopus* and *Capes* website, using the keywords: nutrition information in restaurants, information to consumers, nutrition labeling legislation and food choices,

in Portuguese, Spanish and English languages. We considered the articles published in the period of 1990 to 2011. To complement the discussion, we also searched in the websites of official national and international agencies, and technical books on the subject.

## Food and nutrition information: a food labeling legislation approach

In Brazil, the disclosure of nutrition information on packaged food labels has been mandatory since 2001 to meet the National Food and Nutrition Policy regarding the nutrition aspects, composition, quality and biological use of the foods (BRASIL, 2003b).

Besides Brazil and other countries of Mercosur (Southern Common Market) in other countries such information is also mandatory, e.g., the United States of America, Canada, Israel, Australia, New Zealand, and Malaysia (WHO, 2004b). However, the legislation in force in these countries only makes mandatory the nutrition labeling in packaged products, not considering the nutrition information in restaurants.

In the United States of America the Food and Drugs Administration – FDA suggests that the American restaurants voluntarily include nutrition information at the points of sale. Such initiative aims to promote healthier eating practices due to the association of eating out and the increased intake of fatty foods with obesity (FDA, 2004). In the USA (particularly New York and California) there are also municipal and state laws that mandate the

disclosure of information on the calories values and/or nutrition information on the restaurant menus (NYC, 2009; CALIFORNIA..., 2009). In March 2010, the Health Care Reform Act was passed, which includes the obligation of American restaurant chains with more than 20 units to add nutrition information to the menus (USA, 2010).

These initiatives seek to fill a gap that, according to a survey conducted by Wootan; Osborn<sup>9</sup> in 2006, only 54% of the 300 biggest foodservice chains in the country offered some kind of nutrition information, and most of the small chains and establishments offered little or no information at all.

The provision of nutrition information on the packaged food labels in the European Community is mandatory only for the foods that claim to have nutrition properties. But the rules of the European Commission on labeling apply to packaged foods as well as to all those furnished by restaurants, hospitals, cafeterias and the like. Moreover, the commission is discussing a law enactment to make the nutrition information mandatory (WHO, 2004b; CEC, 2008).

A study conducted with restaurant customers in England found that they are favorable to the disclosure of nutrition information on the menus. But they emphasized that the introduction of nutrition information should be made in conjunction with educational actions in order that they can be better understood (ALEXANDER et al., 2010).

In Brazil, Resolution RDC no. 360 of ANVISA (National Agency for Sanitary

Surveillance) of December 23, 2003 applies to packaged foods labeling only. The resolution exempts restaurants from providing food and nutrition information on the food offerings (BRASIL, 2003b). However, in some Brazilian locations there are state and municipal laws that make mandatory restaurants menus labeling with nutrition information or nutrients composition. A law enforced in the Federal District in 2001 requires that self-service restaurants and similar establishments provide information on the average amount of calories contained in the food servings (CÂMARA, 2009). In the state of Santa Catarina, a law enacted in 2003 establishes that the fast food chains inform the customers on the calorie values and nutrition information contained in the foods served (ASSEMBLEIA, 2009). And, more recently, in the same state, a law of 2011 requires the establishments to inform the foodstuffs used in the meals supplied by restaurants, coffee shops, cafeterias and the like, which sell and deliver at home ready-to-eat foods (ASSEMBLEIA, 2011).

In the city of Rio de Janeiro/RJ, a law of 2004 stipulates the obligatory disclosure of the amounts of calories on the menus of restaurants, cafeterias, hotels, fast food and similar establishments (CÂMARA RJ, 2009). And in Sorocaba/SP, since 2005, there is a law in force that requires the mandatory disclosure of information and nutrition tables of the foods offered in fast-food restaurants, coffee shops, cafeterias, trailers and similar establishments (CÂMARA SOROCABA, 2009).

Despite the limited scope of these laws, mostly focused on the disclosure of the calorie

value of the foods served in restaurants and other foodservices, they seem to reflect the population's increasing concern about their health and the right to have information on the foods consumed out of home.

Studies performed by Benson (1995), Clay et al. (1995) and Fitzpatrick et al. (1997) showed that the consumers can influence positively the restaurants to provide nutrition information and offer a greater amount of healthier preparations. In addition, Jacobson (2004), in a national survey conducted in the USA showed that nearly two thirds of the respondents would like to find the foods calorie value on the menus of the restaurants where they usually eat. In the same country, Lando and Labiner-Wolfe (2007), in a study carried out with 68 consumers divided into focal groups found that the participants reacted favorably to the provision of nutrition information in quick-service restaurants.

In Malaysia, a study carried out with restaurant patrons revealed that they consider menus labeling important, and nutrition information on calories, fats, proteins and fibers are the most requested (DIN et al., 2011). And Maestro and Salay (2008), in a study conducted with 114 restaurants in the city of Campinas/SP, reported that only 25.4% of these establishments offered nutrition and/or health-related information. The survey also found that 46% of the surveyed establishments are interested in menus labeling as a form to attract new customers and retain the existing ones.

It should be noted, however, that these are individual initiatives of restaurant owners

who, in most cases, do not hire skilled services to standardize recipes, develop datasheets on the preparations and help them in the development of food and nutrition information, requirements that are considered indispensable for the proper disclosure of food and nutrition information in restaurants.

As a consequence, the formulation of government incentives is vital to promote the use of this policy by restaurants to ensure the provision of correct and safe information to the consumers.

### Food and nutrition information: a population health-related approach

The Brazilian Federal Constitution establishes that “health is everyone’s right and a State obligation to be ensured by social and economic policies focused on reducing diseases risks and other damages [...]” (BRASIL, 1988). In February 2010, the inclusion of food as one of the social rights established in Article 6 of the Constitution was passed (CÂMARA, 2010). And in 1999, the National Food and Nutrition Policy (PNAN), which is part of the National Health Policy, was homologated. PNAN aims to contribute to the set of public policies intended to the achievement of the Brazilian population’s universal right to adequate nutrition and to assured food and nutrition safety (BRASIL, 2006a).

In 2006, the Organic Law on Food and Nutrition Safety (LOSAN), which deals with the human right to healthy nutrition (BRASIL,

2006b) was enforced. The law provides for the assurance of the foods quality and its utilization and to the promotion of healthy eating habits and lifestyles that consider the cultural diversity of the Brazilian population (BRASIL, 2006b). Moreover, the efforts to assure the human right to food, food and nutrition safety and the achievement of a healthy life are included in WHO Global Strategy on Diet, Physical Activity and Health. The Global Strategy provides for the prevention and promotion of human health, and this document also encourages the establishment of partnerships to accomplish such development. Among such partners, it mentioned restaurants, which can help consumers make healthier choices by providing a more nutritionally balanced diet and nutrition information on the preparations offered (WHO, 2004a).

A key instrument for the accomplishment of the PNAN guidelines and the Global Strategy proposition, the *Food Guide for the Brazilian Population* contains the country's official food guidelines for the prevention and control of diseases, and the promotion of a healthy diet to be consumed by the population (BRASIL, 2006a).

In the context of promoting healthy eating habits as recommended by PNAN, the Global Strategy and the Brazilian food guide, menus labeling can help ensure the consumers' right to information on food items, enhancing their possibilities of analysis and decision to select healthier food items to consume. Some studies show that consumers are more likely to consume healthier food when nutrition

information is available at the restaurants (BURTON; CREYER, 2004; EDWARDS; MEISELMAN, 2005; STUBENITSKY et al., 2007). Burton et al (2006) found that even when the restaurants inform only the foods calories value, consumers will likely choose less calorie offerings when taking into consideration that they are healthier.

Hwang and Lorenzen (2008), in a study carried out with consumers of a grocery in the USA found that the participants showed a more positive attitude towards low-fat food items and were ready to pay more for such items when the nutrition information was provided. Tandon et al. (2010), in a survey conducted in a pediatric clinic in the USA, suggest that the provision of nutrition information on the restaurant menus can lead to the choice of less caloric meals.

Corroborating these findings, Nestle (2010), by analyzing the health reform in the USA, also suggests that the provision of nutrition information, especially calories, can be an incentive to reduce the sale of big servings by the fast-food chains, once consumers will be able to compare the calorie value of the diverse meals offered by restaurants and the like. Thus, menus labeling in restaurants and other similar establishments is important to ensure the population's right to information on the food they consume, as well as information that can help them understand the importance of a healthy diet. So, this would further improve their ability to analyze and decide on the purchase of healthy foods and also be supportive to restaurants that offer healthier preparations.

## Food and nutrition information: an individual health-related approach

There are several diseases related to dietary practices that directly influence the individuals food choice, because some of their especial needs prevent consumption of certain foods that, if ingested, can trigger health problems. Among such diseases, we can cite allergies and food intolerances, metabolic disorders, and chronic non-communicable diseases, such as diabetes, hypertension and obesity, and also those related to fats consumption, especially trans fatty acids.

In order that people who have such diseases can make their best food choices, it is necessary that they know the food composition and the foodstuffs used in the preparations, either in packaged food or those sold in restaurants. So, in most countries, inclusive Brazil, it is mandatory that packaged food labeling include information on the ingredients that may be associated with diet-related disorders and diseases.

In Brazil, the Act SVS/MS no. 29/98 approves the Technical Regulation related to Special-Purpose Foods, for example, requiring that the packaged-food labels disclose the presence of phenylalanine and monosaccharides and/or disaccharides (BRASIL, 1998). In addition, Law no. 10674/2003 requires that the packaged-food labels inform the presence of gluten (BRASIL, 2003). And Resolution RDC no. 360/03 requires that the foods nutrition information indicate the contents of saturated and trans fats<sup>4</sup>.

In this context, the role of information is vital because consumers cannot directly realize the benefits or damages to health resulting

from foods in the same way they can feel the flavor or other sensory characteristics.

In a study conducted with family members of patients with allergy to cow milk, Binsfeld et al. (2009) found difficulties in understanding and identifying some milk-related terms in processed food labels. And according to Thomas Jr.; Mills (2006), in a survey performed with American consumers, most of them consider to be the restaurants' social responsibility to provide detailed nutrition information on the preparations offered, because foods can either be beneficial or harmful to health.

So, to help people who are on food restriction diets, more information on the foods must be provided so that they can make their choices more safely. It is hoped, however, that such information, when available, be reliable because only then they will effectively help consumers.

## Food and nutrition information: a cultural approach

Food, to be able to nourish and sustain life, should not only have nutrition qualities but should also meet sensory and symbolic requirements. So, foods must be recognized and/or accepted by individuals and their social group, because eating is more often associated with cultural and symbolic aspects than with their own physiological needs (POULAIN, 2004; PROENÇA et al., 2005).

Regarding food preferences, by choosing one food instead of others you can see that people do not have the same eating pattern, being influenced by cultural habits such as

regional customs, family memory, beliefs, taboos, religion, palatability criteria, among others (FISCHLER, 1988).

Such issues are even capable of preventing that foods existing abundantly in a given region be consumed, and people would even starve instead of consuming foods not recognized as edible in their cultures. What food means to a given culture does not necessarily mean to another, a fact that derives not from the nutrition value or damage it offers to health, but rather from its cultural interpretation (CARNEIRO, 2003).

The shift of the individuals' dietary practices from the domestic limits to the public space may result in the change of some eating habits. When eating out, especially in self-service restaurants, consumers are faced with dimensions relating to the wide range of offerings and those relating to individual aspects. People then are faced with the dilemma of deciding where, with whom and what to eat, differently from the home situation where the choice is often determined by the person in charge of cooking for the family. Thus, eating out is a situation that offers people different food options – which they are not used to – as well as the need to rely on the quality of the foods that are offered at the restaurant, with possible consequences to health (POULAIN, 2004; JOMORI et al., 2008).

As a consequence, eating out may be a challenge for some people, either because of different choices offered – which they are not used to – or the need to rely on the composition and form of preparation of what has been offered in restaurants.

It is therefore important that restaurants and similar establishments provide information on the kind of foods offered and how they are prepared. Such information allows people to make their food choices according to their culture and food preferences.

## Final considerations

Although food and nutrition information labeling meets the consumers' rights regarding legal, health and cultural approaches, we can see that restaurant-goers usually cannot make use of this right.

Even though the provision of the nutrition information is mandatory for packaged foods in Brazil and in many other countries, in restaurants it is still optional and not common. For this reason, it is often difficult to learn the ingredients and nutrition composition of the preparations from the menus or on the counters of self-service restaurants, because it is difficult for the eyes to identify all foodstuffs contained in the preparations and, consequently, does not allow consumers to exercise their right to select the best food according to their needs.

Therefore, society should mobilize efforts, more specifically of health professionals, in order to bring about the fulfillment of the right to food and nutrition information in restaurants, as well as the public power in regulating and inspecting the provision of such information. Furthermore, it is crucial to increase the awareness of the food industries, restaurant employees and owners on the importance of hiring professionals to develop such information to make it available in a proper and correct form.

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